

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 413 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

OIL AND NATURAL GAS COMMISSION

Versus

IMRAN AHMED HAJI YAKUB

Appearance:

MR RAJNI H MEHTA for Petitioner

UNSERVED for Respondent No. 1

Mr M A Bukhari, APP for Respondent No. 2

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 11/04/97

ORAL JUDGEMENT

This Revision Application has been filed by the Oil and Natural Gas Commission against the order passed by the learned Sessions Judge, Mehsana dated 7.8.1986 whereby the learned Judge set aside the order of the Judicial Magistrate First Class, Mehsana dated 18.7.1986 and allowed the accused to take over the crude oil on

executing a personal bond in the sum of Rs.5,000/- and on the other conditions set out in the order.

2. It is contended by the learned Advocate for the petitioner that as per the test report, the sample resembled with the properties of crude oil in North Kadi area. Crude oil cannot be available with any private party. The learned Judge glossed over this important aspect of the case and thereby he landed on an erroneous conclusion that there is no evidence to show that the crude oil does not belong to the accused.

3. I have considered the contentions raised by the learned Counsel. It is not in dispute that as per the report of the laboratory the properties sample of crude oil resembled with the properties of crude oil in North Kadi area. Thus, there is prima facie a case against the accused persons. In view of this, there was no justified reason for the learned Judge to interfere with the order of the learned Judicial Magistrate.

4. In the result, this Revision Application is allowed. The order of the learned Sessions Judge dated 7.8.1996 passed in Revision Application No.86/86 is quashed and set aside and the order of the learned Judicial Magistrate First Class, Mehsana dated 18.7.1996 is restored.

Rule made absolute to the aforesaid extent.

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